

**Notice of Allowability**

Application No.

10/665,024

Examiner

Kamran Afshar, 571-272-7796

Applicant(s)

MCKEE ET AL.

Art Unit

2681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/2005.
2. ☐ The allowed claim(s) is/are \_\_\_\_\_.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 07/07/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### In The claim(s)

1. (Amended) A wireless communication device comprising:

an alert;

a speaker;

~~a an electrical circuit coupled to the alert and the speaker, the electrical circuit movement sensor~~  
~~capable of generating operable to generate~~ an electrical signal in response to the ~~speaker detecting~~  
~~movement~~ of the wireless communication device ~~being moved~~;

~~an electrical circuit coupled to the alert, and the movement sensor, wherein the electrical circuit is~~  
~~, and the electrical circuit adopted adapted~~ to receive wireless communication signals, activating  
the alert in response receiving wireless communication signals, and mute the alert in response to the  
electrical signal exceeded a threshold level.

#### ***Allowable Subject Matter***

1. Claims 1, 3-5, 8-10 and 13-18 are allowed.

The following is an examiner's statement of reasons for allowance: 1, 3-5, 8-10 and 13-18.

With respect to claim 1, the prior art of record fails to disclose singly or in combination or render obvious that an electrical circuit coupled to the alert and the speaker, the electrical circuit operable to generate an electrical signal in response to the speaker detecting movement of the wireless communication device, and the electrical circuit adapted to receive wireless communication signals, activating the alert in response receiving wireless communication signals, and mute the alert in response to the electrical signal exceeded a threshold level.

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With respect to claim 9, the prior art of record fails to disclose singly or in combination or render obvious that activating an alert in response to receiving the wireless signal; detecting movement of the wireless communication device by detecting a signal level on a speaker; comparing the signal level on the speaker element to a threshold value; and in response to the signal level exceeding the threshold value, muting the alert.

With respect to claim 13, the prior art of record fails to disclose singly or in combination or render obvious that an electrical circuit coupled to the alert and the speaker, the electrical circuit responsive to an electrical signal generate in response to an element of the speaker being moved by a force impacting the housing, and further operable to receive wireless communicating signals, activate the alert in response receiving a wireless communication signal for activating the alert, and mute the alert in response to the electrical signal exceeding a threshold.

With respect to claim 16, the prior art of record fails to disclose singly or in combination or render obvious that a detector in the housing to detect movement of the housing; and an electrical circuit to the alert and the detector, activate the alert in response receiving a wireless communication signal for activating the alert, and mute the alert in response to an electrical signal from the detector exceeding a threshold, wherein the electrical circuit includes a peak hold circuit coupled to the detector and a comparator coupled to the peak hold circuit for detecting when electrical signal exceeds the threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a) Vogle (U.S. 6,983,169 B2).
  - b) Wong (U.S. Pub. No.: 2004/0203500 A1).
  - c) Ramachandran (U.S. Pub. No.: 2005/0079831 A1).


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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Kamran Afshar**

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**